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JAN 31 2020	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

2:20-CR-001-JCM-BNW

Plaintiff,

Preliminary Order of Forfeiture

v.

CLAUDIA ANN MERRILL,

Defendant.

This Court finds Claudia Ann Merrill pled guilty to Count One of a One-Count Criminal Information charging her with mail fraud in violation of 18 U.S.C. § 1341. Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds Claudia Ann Merrill agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgment set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offense to which Claudia Ann Merrill pled guilty.

The following property and money judgment are (1) any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 18 U.S.C. § 1341, a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense; (2) any property, real or personal, which constitutes or is

1 derived from proceeds traceable to a violation of 18 U.S.C. § 1341, a specified unlawful
2 activity as defined in 18 U.S.C. § 1956(c)(7)(F), involving a Federal health care offense as
3 defined in 18 U.S.C. § 24, or a conspiracy to commit such offense; and (3) property, real or
4 personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable
5 to the commission of 18 U.S.C. § 1341, involving a Federal health care offense as defined in
6 18 U.S.C. § 24, and are subject to forfeiture pursuant 18 U.S.C. § 981(a)(1)(C) with 28
7 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(7); and 21 U.S.C. § 853(p)

- 8 1. \$1,045;
- 9 2. \$1,209;
- 10 3. \$1,209;
- 11 4. \$1,638;
- 12 5. \$1,645.81;
- 13 6. \$1,743;
- 14 7. \$1,881;
- 15 8. \$1,007;
- 16 9. \$1,173;
- 17 10. \$1,198;
- 18 11. \$1,881;
- 19 12. \$13,151.05; and
- 20 13. \$2,230

21 (all of which constitutes property)

22 and an in personam criminal forfeiture money judgment of \$1,775,271.61 and that
23 the property will be applied toward the payment of the money judgment.

24 This Court finds that the United States of America may amend this order at any time
25 to add subsequently located property or substitute property to the forfeiture order pursuant
26 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

27 The in personam criminal forfeiture money judgment complies with *Honeycutt v.*
28 *United States*, 137 S. Ct. 1626 (2017).

1 This Court finds the United States of America is now entitled to, and should, reduce
2 the aforementioned property to the possession of the United States of America.

3 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
4 DECREED that the United States of America should seize the aforementioned property.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United
6 States of America recover from Claudia Ann Merrill an in personam criminal forfeiture
7 money judgment of \$1,775,271.61.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
9 rights, ownership rights, and all rights, titles, and interests of Claudia Ann Merrill in the
10 aforementioned property are forfeited and are vested in the United States of America and
11 shall be safely held by the United States of America until further order of the Court.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
13 of America shall publish for at least thirty (30) consecutive days on the official internet
14 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
15 describe the forfeited property, state the time under the applicable statute when a petition
16 contesting the forfeiture must be filed, and state the name and contact information for the
17 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
18 and 21 U.S.C. § 853(n)(2).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
20 or entity who claims an interest in the aforementioned property must file a petition for a
21 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
22 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
23 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
24 right, title, or interest in the forfeited property and any additional facts supporting the
25 petitioner's petition and the relief sought.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
27 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
28 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was

1 not sent, no later than sixty (60) days after the first day of the publication on the official
2 internet government forfeiture site, www.forfeiture.gov.

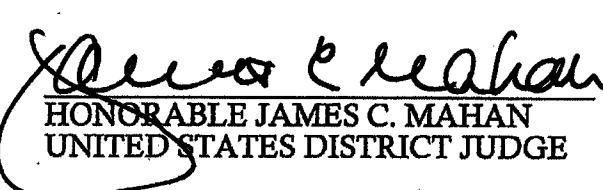
3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
4 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
5 Attorney's Office at the following address at the time of filing:

6 Daniel D. Hollingsworth
7 Assistant United States Attorney
James A. Blum
8 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.
9

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
11 described herein need not be published in the event a Declaration of Forfeiture is issued by
12 the appropriate agency following publication of notice of seizure and intent to
13 administratively forfeit the above-described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
15 copies of this Order to all counsel of record and three certified copies to the United States
16 Attorney's Office, Attention Asset Forfeiture Unit.

17 DATED Jan 30, 2020, 2020.
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20 HONORABLE JAMES C. MAHAN
21 UNITED STATES DISTRICT JUDGE
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